

**REMARKS**

Claims 1-3, 7-21, and 25-36 are pending. Claims 4-6 and 22-24 are currently canceled. Claims 1, 7, 8, 21, and 25-27 are currently amended. Claims 30-36 have been added to specific embodiments of the invention. Reconsideration of the application is requested.

**Objection to the Specification**

The specification has been amended to include the inadvertently omitted subject matter that was included in the original claims. Support for the amendment to the specification appears at least in originally filed claim 15.

**Claim Amendments**

Claim 1 has been amended by incorporating the subject matter of dependent claim 6, which has been canceled. Claims 4 and 5 have been canceled for consistency with the amendment to claim 1. Claims 7 and 8 have been amended to embodiments shown in Figures 3 and 4. Claim 36 has been added to an embodiment shown in Figure 1. Claim 21 has been amended by incorporating the subject matter of claim 24, which has been canceled. Claims 22 and 23 have been canceled and claims 26 and 27 amended for consistency with the amendment to claim 21. New independent claim 30 has been added by incorporating the subject matter of canceled claims 4 and 5. New dependent claims 31-35 have been added to specific embodiments of the invention. No new matter is believed to be introduced by the claim amendments that are support by the specification, drawings, and claims as filed.

**§ 102 Rejections**

Claims 1, 4, 7, 8, 10, 12, 15, 17, 18 and 28 are rejected under 35 USC § 102(a) as being anticipated by Bergsten et al. U.S. Publication Number 2003/0171051. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Broths. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Bergsten ‘051 is directed to a wipe for capturing dust, dirt, or sand while wiping surfaces. The wipe contains a number of peaks or raised regions separated by valleys. An exposed

adhesive layer is provided in the valleys. If the exposed adhesive layer is applied to the wipe's entire surface, the peaks are de-tackified by applying a substance, e.g. talc, to the adhesive layer on the peaks. The wipe can be used to clean floors or wood surfaces by trapping dirt particles in the adhesive layer of the valleys where the residue is unlikely to damage the surface being cleaned. As noted in the Background of the Invention of Bergsten '051, a problem with cleaning sheets is that the collection of dust, sand, and particles by the wipe can subsequently scratch the surface a user is trying to clean. See Bergsten '051 paragraphs [0003] and [0005]. This is an undesirable attribute for a cleaning wipe, and the problem is solved by the use of an exposed adhesive layer in the valley regions of the wipe that traps and collects the residue away from the surface being cleaned. As such, it is the Applicant's position that the primary reference is not a "nonwoven abrasive article" as claimed. Bergsten '051 discloses that wipes which scratch or abrade surfaces are undesirable and do not function for their intended purpose to gently remove dust, dirt or sand without scratching the surface being cleaned.

Although Applicant does not necessarily concede the correctness of this rejection, independent claim 1 has been amended to include the limitation of dependent claim 6. As such, the rejection of claims 1, 4, 7, 8, 10, 12, 15, 17, 18 and 28 under 35 USC § 102(a) as being anticipated by Bergsten '051 has been overcome and should be withdrawn.

### § 103 Rejections

Claims 2, 3, 9, 11, 13, 14 and 16 are rejected under 35 USC § 103(a) as being obvious over Bergsten '051 in view of Lux U.S. Patent No. 5,928,070. Additionally, claims 1-18, 21-24 and 28-29 are rejected under 35 USC § 103(a) as being obvious over Bergsten '051 in view of Lux '070 as stated under the alternative reason starting on page 7 of the Office Action dated 05/02/2007.

The Manual of Patent Examining Procedure in section 2142 entitled Legal Concept of *Prima Facie* Obviousness outlines the requirements for a proper obviousness rejection.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference

teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1995).

A proper *prima facie* case of obviousness has not been established since the proposed combination of Bergsten '051 and Lux '070 would render the primary reference (Bergsten) unsatisfactory for its intended purpose. As discussed in § 2143.01(V) of the MPEP, "If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or modification to make the proposed modification." See *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

As discussed above for the § 102 rejection, Bergsten '051 discloses that the cleaning wipe should not scratch or abrade the surface being cleaned and that scratching is an undesirable problem of prior cleaning wipes. Bergsten '051 is not intended to function as "an abrasive article" as claimed. One of ordinary skill in the art would not be motivated to combine Bergsten '051 and Lux '070 as suggested by the Examiner in the Office Action dated 5/02/2007 to make an abrasive article as claimed. Bergsten '051 teaches away from the proposed combination of making an abrasive article intended to scratch, abrade, and remove significant amounts of material from a workpiece as shown by the Applicant's Examples.

The rejection of claims 2, 3, 9, 11, 13, 14 and 16 under 35 USC § 103(a) as being obvious over Bergsten '051 in view of Lux '070 has been overcome and should be withdrawn, and the alternative rejection of claims 1-18, 21-24 and 28-29 under 35 USC § 103(a) as being obvious over Bergsten '051 in view of Lux '070 has been overcome and should be withdrawn.

Claim 19 is rejected under 35 U.S.C. § 103(a) by Bergsten '051 in view of Nollen U.S. Patent No. 5,753,343. Claim 20 is rejected under 35 U.S.C. § 103(a) by Bergsten '051 in view of Nollen '343 and further in view of Braunschweig U.S. Patent No. 6,197,076. Claim 19 is rejected under 35 U.S.C. § 103(a) by Bergsten '051 in view of Lux '070 and further in view of Nollen '343. Claim 25 is rejected under 35 U.S.C. § 103(a) by Bergsten '051 in view of Lux '070 and further in view of King U.S. Patent No. 5,626,639. Applicant respectfully traverses the rejections. Applicant reiterates that there is no motivation to modify Bergsten '051 to form an "abrasive article" as claimed for the reasons discussed above.

In view of the above, it is submitted that the application is in condition for allowance. Examination and reconsideration of the application as amended is requested.

Respectfully submitted,

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